

Message Text

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64

ACTION EB-11

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FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC PRIORITY 4061

INFO AMEMBASSY GUATEMALA

AMEMBASSY MANAGUA

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AMEMBASSY SAN SALVADOR

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E. O. 11652: N/A

TAGS: ETRN, CS

SUBJECT: CIVAIR: ASSEMBLY OVERTURNS VETO OF
NEW CIVIL AVIATION LAW

SUMMARY: LEGISLATIVE ASSEMBLY HAS UNEXPECTEDLY
OVERTURNED PRESIDENTIAL VETO OF BASIC NEW CIVIL AVIATION
LAW. AIR CARRIERS IN COSTA RICA ARE CONCERNED OVER
IMPLICATIONS OF NEW LAW, WHICH THEY SAY IS CARELESSLY
DRAFTED AND OVERLY TECHNICALLY- ORIENTED. LAW SEEMS TO
IMPLY THAT ALL CARRIERS MUST OBTAIN NEW OPERATING
CERTIFICATES WITHIN 90 DAYS, A SEVERE CONCERN TO PANAM
WHOSE CERTIFICATE NOW EXPIRES IN 1975. FOR THE MOMENT,
HOWEVER, THE AIR CARRIERS REMAIN HOPEFUL THAT-- ASSISTED
BY FRIENDLY DEPUTIES-- THE LAW WILL BE AMENDED TO THEIR
SATISFACTION. END SUMMARY.

1. THE LEGISLATIVE ASSEMBLY ON MAY 76 7,-
EXPECTEDLY APPROVED A NEW CIVIL AVIATION LAW
WHICH HAD BEEN VETOED BY PRESIDENT FIGUERES ON
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JANUARY OF THIS YEAR. PRESIDENT HAD VETOED THE LAW BECAUSE GOCR FELT IT TOOK TOO MANY POWERS AWAY FROM EXECUTIVE BRANCH AND VESTED THEM IN A SEMI-AUTONOMOUS TECHNICAL AVIATION COUNCIL. THIS COUNCIL WOULD REPLACE THE CIVIL AVIATION BOARD, WHICH WAS DISBANDED IN NOVEMBER 1972 IN ANTICIPATION OF PASSAGE OF A NEW LAW. GOCR HAD SENT ITS OWN VERSION OF A NEW BASIC CIVIL AVIATION LAW TO THE ASSEMBLY IN OCTOBER 1972, BUT IT NEVER WAS REPORTED OUT OF COMMITTEE. ALTHOUGH THE PRESIDENT'S VETO MESSAGE CONTAINED SUGGESTED REVISIONS TO THE ASSEMBLY PASSED LAW, INDICATING THAT IT COULD BE REDRAFTED TO MEET EXECUTIVE BRANCH'S OBJECTIONS, THE GENERAL EXPECTATION WAS THAT VETOED LAW WOULD BE SHELVED. ITS SUDDEN APPROVAL REPORTEDLY IS AN EXPRESSION OF ASSEMBLY'S PIQUE TOWARD MINISTER OF TRANSPORTATION SILVA.

2. AIR CARRIERS OPERATING IN COSTA RICA ARE CONCERNED OVER IMPLICATIONS OF NEW LAW, ESPECIALLY PROVISION WHICH INDICATES THAT ALL MUST OBTAIN NEW OPERATING CERTIFICATES WITHIN 90 DAYS. ASSEMBLY DEPUTIES HAVE INDICATED TO CARRIERS, HOWEVER, THAT THEY ARE WILLING TO CONSIDER AMENDING THE NEW LAW, AND HAVE ASKED FOR CARRIERS' SUGGESTIONS. AIR CARRIERS ARE MEETING WITH THEIR LAWYERS MAY 22 TO DISCUSS TACTICS TO BE FOLLOWED. SOME OTHER STIPULATIONS OF NEW LAW WHICH CARRIERS FIND OBJECTIONABLE ARE THE FOLLOWING: (A) THE TECHNICAL ORIENTATION OF THE COUNCIL PROPOSED TO REPLACE THE CIVIL AVIATION BOARD; (B) APPLICATION OF THE LAW TO TRAVEL AGENCIES AND TO AIRLINES OPERATING TICKET OFFICES IN COSTA RICA BUT NOT FLYING TO THE COUNTRY; AND (C) ESTABLISHMENT OF PENALTIES FOR LATE ARRIVALS EQUIVALENT TO 100 PERCENT OF TICKET PRICE.

3. COMMENT: ONCE AGAIN, THE ASSEMBLY HAS ACTED HASTILY TO OVERTURN A PRESIDENTIAL VETO. WHEN THIS OCCURRED LAST FALL WITH FINANCIERA LAW, THE ASSEMBLY LATER AMENDED THE LAW TO REMOVE THE MOST OBJECTIONABLE PROVISIONS. THE CHANCES APPEAR GOOD THAT THE CIVIL AVIATION LAW MAY BE SIMILARLY AMENDED. THE MAIN CONCERN TO PANAM IS ITS OPERATING CERTIFICATE, WHICH LIMITED OFFICIAL USE

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NOW IS VALID UNTIL JANUARY 1975. PANAM FEARS (PROBABLY RIGHTFULLY SO) THAT THE PROPOSED TECHNICAL AVIATION COUNCIL COULD HAVE A MARKEDLY NATIONALISTIC TWWSK ZAO SZ# IGH# DENY PANAM ITS PRESENT FREQUENCY LEVEL (WHICH PANAM HAS GRADUALLY INCREASED IN ACCORD WITH ITS CURRENT OPERATING CERTIFICATE). EMBASSY WILL REPORT FURTHER

ON THE IMPLICATIONS OF THE NEW LAW AND ON THE ACTIONS
TAKEN TO AMEND IT.
VAKY

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